

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WALTER PROBSTER

MAILED

SEP 27 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 09/888,478

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 19, 2004. A review of the application has reveals that the application is not be ready for docketing as an appeal. The matters requiring the examiner's attention prior to docketing are identified below.

EXAMINER'S ANSWER

A review of the Examiner's Answer mailed March 5, 2004, reveals that information contained therein pertaining to the required appeals conference is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., rev. 1, Feb. 2003).

According to MPEP § 1208:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal (emphasis added).

The Examiner's Answer was not signed by the Examiner or the Supervisory Patent Examiner.

Accordingly, it is

ORDERED that the application is returned to the examiner for

1. the Examiner's Answer to be signed by the Examiner of record and the Supervisory Patent Examiner; and
2. for any further action as may be deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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